



Minor Decoy Program

Introduction

The mission of the Department of Alcoholic Beverage Control (ABC) is to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare and economic well being of the people of the State.

The problems associated with underage alcohol consumption—including injuries and fatalities—are well documented. Both the California Constitution under XX, Section 22, and the Business and Professions Code provide that the sale of an alcoholic beverage to a person under the age of 21 years is illegal.

The use of the Minor Decoy Program by law enforcement officials in combating sales of alcoholic beverages to persons under the age of 21 years is a significant and effective tool. Local law enforcement agencies first began using the program in the early 1980's. By all accounts, the City of Glendale was the first to use this program.

Many licensees do not like the idea of decoy programs and refer to them as "sting operations." Despite this, decoy programs are legal and many agencies use them as an ongoing program. On April 7, 1994, the California Supreme Court issued a unanimous decision upholding the use of underage decoys by law enforcement officials.

By statute, minor decoys used by local law enforcement are immune from prosecution, and police agencies must notify licensees of program results. Rule 141, California Code of Regulation, sets forth further decoy program requirements.

Goals and Objectives

The goal of the Minor Decoy Program is to reduce the number of licensees who sell alcoholic beverages to minors.

Program objectives, developed by the local law enforcement agencies, may include selecting a decoy, notifying the media and licensees, and other activities.

Program Components

Program components are in Rule 141, California Code of Regulations. The Department of Alcoholic Beverage Control will not file accusations without clear compliance with all requirements of Rule 141. That rule reads as follows:

California Code of Regulations
Title 4, Division 1
Section 141. Minor Decoy Requirements

(a) A law enforcement agency may only use a person under the age of 21 years to attempt to purchase alcoholic beverages to apprehend licensees, or employees or agents of licensees who sell alcoholic beverages to minors (persons under the age of 21) and to reduce sales of alcoholic beverages in a fashion that promotes fairness.

(b) The following minimum standards shall apply to actions filed pursuant to Business and Professions Code Section 25658 in which it is alleged that a minor decoy has purchased an alcoholic beverage:

(1) At the time of the operation, the decoy shall be less than 20 years of age;

(2) The decoy shall display the appearance which could generally be expected of a person under 21 years of age, under the actual circumstances presented to the seller of alcoholic beverages at the time of the alleged offense.

(3) A decoy shall either carry his or her own identification showing the decoy's correct date of birth or shall carry no identification; a decoy who carries identification shall present it upon request to any seller of alcoholic beverages;

(4) A decoy shall answer truthfully any questions about his or her age;

(5) Following any completed sale, but not later than the time a citation, if any, is issued, the peace officer directing the decoy shall make a reasonable attempt to enter the licensed premises and have the minor decoy who purchased alcoholic beverages make a face-to-face identification of the alleged seller of the alcoholic beverages.

(c) Failure to comply with this rule shall be a defense to any action brought pursuant to Business and Professions Code Section 25658.

Results and Impact

Results are measured quantitatively by comparing the number of licensees visited versus the number who sold to the decoy.

Statewide Minor Decoy Activity Compliance Report 1993/94 through 1998/99

Fiscal Year	Total Operations	Total Visits	Total Violations	Violation Ratio	Compliance Ratio
93-94	34	915	269	29.40%	70.60%
94-95	163	2993	765	25.56%	74.44%
95-96	278	5915	1332	22.52%	77.48%
96-97	305	3101	630	20.32%	79.68%
97-98	291	6568	1355	20.63%	79.37%
98-99	641	6822	1396	20.46%	79.54%

Further quantitative measures include the number of citations issued. If a licensee or employee sells alcohol to the decoy, the seller may receive a citation. If convicted, the person may receive a fine of \$250 and/or 24-32 hours of community service.

Arrests focus the public's attention on the problem and send a warning that selling alcohol to minors is illegal. The goal is not to arrest as many people as possible, but to deter licensees from breaking the law in the first place.

A licensee who sells to a minor faces action by ABC. This could result in a fine, suspension, or revocation of the ABC license, depending on the circumstances. A second sale to a minor within three years will result in a mandatory license suspension. A third sale to a minor within three years calls for revocation of the license.

Funding

Local law enforcement agencies generally use traffic, vice, or patrol hours.

Contact Information

For more information contact your nearest ABC office:

Bakersfield	(661) 395-2731
El Monte.	(626) 927-1060
Eureka	(707) 445-7229
Fresno	(559) 225-6334
Inglewood.	(310) 412-6311
Long Beach/Lakewood	(562) 982-1337
Los Angeles/Metro	(213) 897-5391
Oakland	(510) 622-4970
Rancho Mirage.	(760) 568-0990
Redding	(530) 224-4830
Riverside	(909) 782-4400
Sacramento	(916) 227-2002
Salinas	(831) 443-3001
San Diego.	(619) 525-4064
San Francisco	(415) 557-3660
San Jose.	(408) 277-1200
San Luis Obispo.	(805) 543-7183
San Marcos.	(760) 471-9702
Santa Ana	(714) 558-4101
Santa Barbara	(805) 564-7717
Santa Rosa	(707) 576-2165
Stockton.	(209) 948-7739
Van Nuys	(818) 901-5017
Yuba City	(530) 751-8570